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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,740	04/19/2001	Mark Weinzierl	107870.00026	9331

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EXAMINER

CASIANO, ANGEL L

ART UNIT PAPER NUMBER

2182

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/838,740

Applicant(s)

WEINZIERL ET AL.

Examiner

Angel L. Casiano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 26-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*PD*

### **DETAILED ACTION**

The present Office action is in response to communication dated 04 August 2005.

Claims 26-51 are pending. All claims have been examined.

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04 August 2005 has been entered.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 26-30, 32-34, and 41-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Nguyen [WO 97/09813].

Regarding claim 26, Nguyen teaches a folio (see Page 4, lines 23-25; Page 6, lines 13-15); and a wireless day planner portfolio system housed within the folio, the wireless day planner

portfolio system comprising, an interface operable for communicating with a personal computing device (PCD), and a wireless transceiver coupled to the interface and operable for communicating wirelessly with a remote communications device (see Page 5, line 2).

As for claim 27, the system taught by Nguyen teaches a battery for providing power (see Page 4, line 35).

As for claim 28, the system taught by Nguyen teaches a processor and a memory (see Page 4, lines 30-32) as well as a data entry system (see “keyboard”, Page 6, lines 29-30).

As for claim 29, the reference teaches a housing for structural support (see Figures 1-2).

As for claim 30, the reference teaches the folio as foldable and capable of being securely closed (see Page 6, lines 16-17).

As for claim 32, Nguyen teaches a processor and a memory (see Page 4, lines 30-32) as well as a data entry system (see “keyboard”, Page 6, lines 29-30); a housing for structural support (see Figures 1-2). The folio as taught by the reference is foldable and capable of being securely closed (see Page 6, lines 16-17).

As for claim 33, the system taught by Nguyen includes a wireless transceiver for communicating wirelessly with a nearby device (see Page 6, lines 2-8).

As for claim 34, the reference teaches a data port for providing wired communication with an external data device (see Page 8, line 15).

Regarding claim 41, Nguyen teaches a folio (see Page 4, lines 23-25; Page 6, lines 13-15); and a wireless day planner portfolio system housed within the folio, the wireless day planner portfolio system comprising an interface operable for communicating with a personal computing device (PCD). The reference also teaches a processor, a memory (see Page 4, lines 30-32), a keypad (see Page 6, lines 29-30), and a power source (see Page 4, line 35). The reference teaches wireless transceiver coupled to the interface and operable for communicating wirelessly with a remote communications device (see Page 5, line 2).

As for claim 42, Nguyen teaches a folio having a first and second cover (see Page 4, lines 23-25; Page 6, lines 13-15). The reference teaches the folio as foldable and capable of being securely closed (see Page 6, lines 16-17).

As for claim 43, Nguyen teaches a first wireless transceiver coupled to the interface and operable for communicating wirelessly with a remote communications device via the folio (see Page 5, line 2).

As for claim 44, the reference teaches a second transceiver for wireless communication via the folio (see Figure 3).

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 31, 35-40, and 45-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen [WO 97/09813] in view of Shink [US 5,348,347].

As for claim 31, Nguyen does not teach a folio including a removable pocket configured to receive the PCD. Shink teaches a pocketbook size organizer that can store a portable device (see Abstract). At the time of the invention, one of ordinary skill in the art would have been motivated to combine the cited disclosures in order to obtain an organizer capable of holding a notepad, as taught by Shink and as suggested by Nguyen (see Nguyen patent at Page 2, lines 23-29).

Regarding claim 35, Nguyen teaches a folio having a first and second cover (see Page 4, lines 23-25; Page 6, lines 13-15); and a wireless day planner portfolio system housed within the folio, the wireless day planner portfolio system comprising, an interface operable for communicating with a personal computing device (PCD), and a wireless transceiver coupled to the interface and operable for communicating wirelessly with a remote communications device (see Page 5, line 2). The reference also teaches a housing for structural support (see Figures 1-

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2). However, Nguyen does not teach a folio including a binder for holding paper. As for this limitation, Shink teaches a pocketbook size organizer that can store a portable device (see Abstract). At the time of the invention, one of ordinary skill in the art would have been motivated to combine the cited disclosures in order to obtain an organizer capable of holding a notepad (paper), as taught by Shink and as incorporated by Nguyen (see Nguyen patent at Page 2, lines 23-29).

As for claim 36, the system taught by Nguyen teaches a processor and a memory (see Page 4, lines 30-32) as well as a data entry system (see “keyboard”, Page 6, lines 29-30).

As for claim 37, Nguyen does not teach a folio including a removable pocket configured to receive the PCD. Shink teaches a pocketbook size organizer that can store a portable device (see Abstract). At the time of the invention, one of ordinary skill in the art would have been motivated to combine the cited disclosures for the reasons stated above.

As for claim 38, Nguyen teaches a wireless transceiver coupled to the interface and operable for communicating wirelessly with a remote communications device (see Page 5, line 2). The reference also teaches an antenna (see Figures 1-2, “15”).

As for claim 39, the system taught by Nguyen teaches a battery for providing power (see Page 4, line 35). Nguyen also teaches a processor and a memory (see Page 4, lines 30-32) as well as a data entry system including a keyboard (see Page 6, lines 29-30).

As for claim 40, teaches a wireless transceiver coupled to the interface and operable for communicating wirelessly (see Page 5, line 2).

As for claim 45, Nguyen teaches a folio having a first and second cover (see Page 4, lines 23-25; Page 6, lines 13-15); including means for receiving data and a wireless transceiver coupled to the receiving means and operable for communicating data to the computing device (see Page 5, line 2). The reference also teaches a housing for structural support (see Figures 1-2). However, Nguyen does not teach a folio including a receptacle for holding a personal computing device (PCD) that is equipped for wireless communication, as claimed. As for this limitation, Shink teaches a pocketbook size organizer that can store a portable device (see Abstract). At the time of the invention, one of ordinary skill in the art would have been motivated to combine the cited disclosures in order to obtain an organizer capable of holding a mobile telephone, as taught by Shink and as incorporated by Nguyen (see Nguyen patent at Page 2, lines 23-29).

As for claim 46, the reference teaches a data port for providing wired communication (see Page 8, line 15).

As for claim 47, the reference teaches a data entry system (see “keyboard”, Page 6, lines 29-30).



As for claim 48, Nguyen does not teach a folio including a removable pocket, as claimed. As for this limitation, Shink teaches a pocketbook size organizer that can store a portable device (see Abstract). At the time of the invention, one of ordinary skill in the art would have been motivated to combine the cited disclosures for the reasons stated above (see claim 45).

As for claims 49-51, the combination of references teaches wireless communication (see rejections above). It does not specify this communication as being in accordance to Infra Red, Bluetooth or IEEE 802.11 communications protocol. However, it is well known in the art that these protocols constitute specific examples of the protocols implemented in the system resulting from the combination of references. Therefore, these claims are rejected under the same rationale.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Pitroda [WO 9934314 A1] teaches an information provider communications interface, which may “include a public switched telephone network interface (52), such as a central office line interface, a wireless telephone interface, a pager interface, or a facsimile interface”.
- Ivers [WO 9922538 A1] teaches a device which “includes a first housing (102) for mating with a second housing (302). Disposed within the first housing (100) is a

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modulator (203) and a demodulator (205) that, together with a wireless communication element (204), constitute an RF section to provide communications capabilities”.

- Urness [US 6390712 B1] teaches an airtimer planning system.
- Jackson [US 6269948 B1] teaches luggage for nomadic computing.
- Read et al. [US 5890052 A] teaches foldable wireless telephone wallet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel L. Casiano whose telephone number is 571-272-4142. The examiner can normally be reached on 9:00-5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4083. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alc  
12 September 2005.



**KIM HUYNH**  
**PRIMARY EXAMINER**

9/12/05